

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, MAY 3, 2005.

Board Members Present: ***John F. Coates, Chairman***
Steven E. Nixon, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven L. Walker

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

INVOCATION

The Rev. Betsy Smith, Children's Minister at Culpeper Baptist Church, presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Lee led the members of the Board and the audience in the Pledge of Allegiance to the Flag.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Frank Bossio, County Administrator, asked that the following changes be made in the agenda:

Under **APPROVAL OF MINUTES**, remove the April 5, 2005 minutes of the Water and Sewer Authority. These minutes will be presented to the Authority for approval at its next meeting.

Under **NEW BUSINESS**, add **CONSIDERATION OF ACCEPTANCE OF DONATION FROM CULPEPER RECREATION FOUNDATION, INC.** The Board will consider accepting a donation from the Culpeper Recreation Foundation, Inc., in the amount of \$11,660 to install sod and in-ground irrigation in four Little League Baseball in-fields at the Culpeper Community Complex.

Under **CLOSED SESSION**, add 7. Under *Virginia Code* §2.2-3711(A)(3), to discuss with staff and the County Attorney the acquisition of a specific parcel of land located east of the Town of Culpeper where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Under **ADMINISTRATOR'S REPORT**, add b. Proposed Planning Commission/Board of Supervisors Work Session; and c. Joint meeting with School Board.

Mr. Lee moved, seconded by Mr. Nixon, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the April 5, 2005 regular meetings were presented to the Board for approval.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider budget amendments for the Department of Human Services for additional funds in the areas of Eligibility Administration Pass-Thru (\$300,000) and various assistance programs (\$199,060.70) for a total amount of \$499,060.70; and
- b. The Board will consider approving a donation to TransDominion Express.

Mr. Walker moved, seconded by Mr. Lee, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

CONSIDERATION OF DEBT POLICY CHANGES

Mr. Bossio asked the Board to consider amendments to the debt policy to incorporate changes recommended by Davenport & Company, the County's financial advisor. He said the Board had been provided with data regarding upcoming capital needs, including the new high school, and changes were required prior to addressing those future needs. He asked Mrs. Valerie Lamb, Finance Director, to discuss the changes and answer any questions.

Mrs. Lamb explained that the revised debt policy would: (1) Eliminate the Debt per Capita policy and add "Debt as a percentage of Personal Income will not exceed 7.5%"; (2) increase the Debt as a percentage of Assessed Value not to exceed 3.5%; and (3) make no

change in “Debt Service as a percentage of General Government Expenditures not to exceed 10%”. She noted that the proposed revisions were reflected in graphs, which had been provided.

Mrs. Hansohn asked Mrs. Lamb to clarify the policy regarding percentage of personal income not to exceed 7.5 percent. Mrs. Lamb referred the question to Mr. Rogers of Davenport & Company.

Mr. Rogers explained that one of the reasons Davenport had recommended dropping debt per capita and replacing it with debt to personal income was that it was a better way to track inflation. He said that debt to assessed value was also used to track inflation.

Mrs. Hansohn questioned whether 7.5 percent was a good number because typically a 3 to 3.5 percent range was used when tracking inflation. Mr. Rogers explained that 3.5 percent was not comparative to the inflation number. He said when using debt per capita, each individual would have approximately \$1,000 of debt; but, with debt to personal income, each individual's debt would not grow more than 7.5 percent of his/her total income. This meant that the County would not issue more debt than the community could afford. He noted that rating agents did not want a locality to set policies that it could not meet.

Mr. Nixon asked about the impact on localities with larger population bases than Culpeper County. Mr. Rogers replied that it would impact larger counties, such as Loudoun County, which was growing faster than any other in the country, but it would not impact the rest of the localities. He said that population would have some impact on the rating itself, but not on the guidelines and that 7.5 percent was used as a guideline modeled after good fiscal practices around the country.

Mr. Walker pointed out that the Debt vs. Total Personal Income graph indicated that rule would be broken in 2000–2010. Mr. Rogers explained that it was permissible to rise above that percentage and to drop back down. He said the graph was being used for planning purposes and the County might not ever get to that level.

Mr. Walker asked whether peak shaving would assist the County to stay under the rate. Mr. Rogers replied that peak shaving was used on the cash flow side and showed that the County was planning to take care of debt with capital set aside for that purpose, which was a bonus on the cash flow side without impacting the tax rate. Mr. Bossio pointed out that the graph was not revised to indicate that the County went from a \$65 million issue to \$61.8 million, which would put the County under some of the debt lines; and the County would have an opportunity to bring the lines down in the 2009–2010 because the 2008 follow-on projects were not considered.

Mr. Nixon asked whether the statement that "Debt service as percentage of General Governmental Expenditures will not exceed 10 percent" meant actual payments being made and not the total amount of indebtedness. Mr. Rogers stated that assumption was correct.

Mr. Nixon asked whether the County's total debt service would be approximately 5 percent of indebtedness. Mr. Bossio replied it would be approximately 5.6 percent.

Mr. Lee moved, seconded by Mr. Nixon, to accept the revised debt policy.

Mrs. Hansohn asked Mr. Maddox whether the debt policy required a public hearing. Mr. Maddox stated that it did not.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

FUNDING CONSIDERATION FOR NEW HIGH SCHOOL

Mr. Bossio stated that at the conclusion of the adoption of the County's budget, there were many questions raised about the \$61.8 million set aside in the budget which consisted of \$42 million for construction of the new school and \$11 million for the soft costs, including architects' fees; \$2.3 million for the indebtedness for bonding for the Classroom Building in the Middle; \$4 million for the off-site improvements for water and sewer and VDOT requirements; and \$2.5 million for site improvements at the current High School campus. He said that the two methodologies the Board could choose were (1) General Obligation (GO) Bonds requiring a referendum; and (2) lease revenue bonds through the IDA as recommended by the School Oversight Committee (SOC), agreed to by the School Board, and presented to the Board of Supervisors.

Mr. Walker noted that when the SOC made a presentation to the Board, the Board did not take action. He asked Mr. Bossio to review the action taken by the School Board at that time. Mr. Bossio indicated that the School Board minutes of June 24, 2004 stated that consideration had been given to the recommendation of the SOC for funding and on motion of Ms. Hitchcock, seconded by Ms. Hutchins, the Board voted 6-0 to endorse the SOC's resolution regarding recommendations for funding construction of the new high school. He said that he did not have a formal resolution from the School Board, but he could obtain one if the Board wished him to do so.

Mr. Nixon asked whether the Board would be approving the amount of money to be borrowed or the method by which it would be borrowed. Mr. Bossio replied that the Board would be approving both the amount and the method. He said timing was important should the Board decide to go to referendum.

Mr. Rogers stated that if the Board decided to go through a referendum in order to borrow GO Bonds, approval by the Circuit Court would have to be obtained in August to have the referendum on the ballot for the November regular election. He noted that there was a timing factor involved because the market could go up or down or stay the same during this period, but the expectation was the rates would go up. He said if the voters approved going with GO Bonds, the County could go to the market the first of the year and rates could have risen to 100 basis points, or 1 percent. He stated that Davenport's recommendation was that the County lock in the money now and take the risk off the table. He noted that approximately 5 basis points or 10 basis points at most would be gained by using a GO Bond issue versus lease revenue bonds. He said that their analysis showed that total costs could be as much as \$10 to \$12 million if the County waited to do the issue in the future and the rates rose by 1 percent.

Mr. Nixon asked whether that cost would be over the 25-year lifetime of the loan. Mr. Rogers stated that was correct, and the difference was between doing it now and doing it one year from now. Mr. Nixon stated that the plan was to carry interest only for two years. Mr. Rogers said that was the plan if the money was borrowed now, but it would be one-year interest only if the County waited a year.

Mr. Nixon expressed his concern about the total cost of the new school. He felt that the construction costs could be kept at \$40 million and soft costs at \$10 million by construction modifications and management changes. He asked how those reductions would affect the overall note. Mr. Rogers estimated that approximately \$4 million could be saved over the 25-year period if the costs were reduced.

Mr. Chase asked what the savings would be if the rates stayed the same and GO Bonds were used versus lease revenue bonds. Mr. Rogers replied that approximately 5 to 10 basis points, or \$3 million, could be gained over 25 years by using GO Bonds instead of a lease revenue issue assuming the rates stayed the same at the time the bonds were issued.

Mr. Rosenberger stated that he had no doubt that a new high school needed to be built, but he believed that spending approximately \$61 million should have gone to the citizens for their support. He said he was not advocating the bond referendum route, but felt that the most lucrative financing option should be used because the money belonged to the citizens.

Mr. Coates asked Mr. Rogers how much interest rates had increased in the last six months. Mr. Rogers explained that since February the rates had fallen to 4 percent, risen in later months to approximately 4.6 percent, and were now at 4.15 percent. He said that long-term rates were not as volatile, but there had been a 55-basis point swing since February in

terms of the tenure rate and the number had been close to 30 to 40 basis points over the longer term.

Mr. Nixon asked what interest rate was factored into the projections. Mr. Rogers replied that a 5 percent interest rate was used and the rate would probably be slightly below that if the County went to the market now.

Mr. Nixon asked Mr. Rogers whether he had a preference for financing. Mr. Rogers replied that either way would be fine, but his recommendation to the SOC had been to use lease revenue bonds in view of the time required for GO Bonds and the need for referendum.

Mr. Lee stated that another variable to be considered was the cost of construction depending upon the method of financing used. He said the SOC had developed a construction time line and any delay would become a potential issue.

Mr. Lee moved, seconded by Mrs. Hansohn, to pursue the revenue lease bond in an amount sufficient to fund the new high school.

Mr. Chase pointed out that another risk would be that the rates would go down instead of up. Mr. Rogers agreed there was the risk of the rates going down or staying the same.

Mr. Rosenberger stated he would support the motion because there was a need for a new school, but pointed out that future needs for schools should be considered in a timely fashion in order to put them on referendum. He said he did not believe that future Boards would be comfortable with spending \$61 million without public approval. He pointed out that there had been a breakdown in communications because the School Board had made no formal request for funds and that problem would need to be resolved because additional schools would be needed in the future.

Mrs. Hansohn agreed that no formal request had been made, but she felt comfortable in supporting the motion. She pointed out that she served on the School Oversight Committee and listened to their deliberations on using the most cost effective methods. She agreed that communications needed to be improved.

Mr. Maddox informed the Board that the SOC had recommended a funding mechanism, which the School Board adopted by resolution that included the use of Literary Loans in addition to lease revenue bonds, but the motion included lease revenue bonds only.

Mr. Bossio stated that it was anticipated that Literary Loans would be used to repay the General Fund for those loans because it took approximately three years to process Literary Loans.

Mr. Rogers noted that formal documents would be brought back to the Board for approval, including a request that the IDA issue bonds on the Board's behalf, but the motion

on the floor would permit staff to proceed with the paperwork. He said that Mr. Maddox was correct in saying that Literary Loans would be used to the extent possible because they loans were repaid at 3 percent.

Mr. Lee amended his motion to include Literary Loans. Mrs. Hansohn agreed to the amendment.

Mr. Walker noted that a public hearing was not required in order to obtain revenue lease bonds, but a public hearing was not prohibited. He said it might be a good idea to have a public hearing to obtain feedback from the public.

Mr. Bossio stated that the School Board requesting the lease revenue funding was preparing a funding resolution, and it would be before the Board at next month's meeting. He noted that the Board had approved the SOC resolution, but he would prefer to have a formal resolution.

Mr. Nixon stated he approved of the funding mechanism, but was not comfortable with the amount of money being requested for the new school.

Mr. Lee stated that his motion only included the method of financing and not the costs involved.

Mr. Walker asked for clarification regarding the IDA process.

Mr. Rogers stated that when the Board adopted the resolution, part of that resolution would be asking the IDA to act on its behalf in processing the documents. The IDA would not be under any obligation to repay, but would be acting as a conduit for the Board. He said he would be happy to go before the IDA and educate the members regarding their role.

Mr. Coates stated he appreciated the professionalism exhibited by Board members throughout the process, especially since there were many difficult decisions to be made.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Lee moved to proceed with approving the \$61.8 million in financing these bonds. The motion died for lack of a second.

AWARD OF CONTRACT

Mr. Alan Culpeper, Director of Procurement, asked the Board to consider awarding a contract to Farber Specialty Vehicles in the amount of \$164,530. He said the Public Safety Department had a need for an on-site mobile command center in the event of a disaster or other similar situation. He explained the interoperability of the unit's radio system to communicate with the County's new 800 MHz system, as well as with other counties and

jurisdictions. He said that the cost would be covered by grant money obtained by the Sheriff's Office and Homeland Security grants obtained by the EMS Department.

Mr. Chase asked for additional information on the vehicle. Mr. Culpeper stated that the unit was a 30-foot long, self-propelled, self-contained vehicle with the capability for a radio room and a command center or conference/negotiation room with four desks. He noted that an on-site command center could be set up anywhere in the County or in other areas and maintain the interoperability to communicate with other jurisdictions.

Mr. Chase asked whether the funding was entirely grant money. Mr. Culpeper assured him that it was 100 percent grant money. Mr. Chase asked whether the Sheriff, Police Chief and the Fire Departments approved. Mr. Culpeper replied that the RFP evaluation team included members from the Sheriff's Office, Town Police, and the Department of EMS, and everyone concurred.

Mr. Chase moved, seconded by Mr. Lee, to approve awarding the contract for the mobile command center to Farber Specialty Vehicles in the amount of \$164,530.

Mr. Walker asked whether there was a place to store the unit and whether it would be under cover. Mr. Culpeper replied that was still under consideration, but the unit could be stored at the new Emergency Operations Center. He said that after the contract had been approved, it would take six months to build the unit and the estimated delivery date was November 2005.

Mr. Walker asked whether there would be sufficient grant funds available to build a garage or building to house the unit. Mr. Culpeper said he was not sure, but he would discuss that possibility with the State.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting at 10:55 a.m.

Mr. Coates called the meeting back to order at 11:10 a.m.

AWARD OF CONTRACT

Mr. Paul Howard, Environmental Services Director, asked the Board to consider awarding a contract to Premier Sports for turf installation at the Culpeper Community Complex. He said a request for proposals (RFP) been issued for bids to install turf on the playing fields and to manage those turfs through the growing period. An annual maintenance contract for three to five years was not included in the bid because a specialty turf company would be used to install the turf on the baseball, soccer and football fields. He said that

proposals had been received from Premier Sports and Specialty Turf, Inc., and he was recommending the contract be awarded to Premier Sports in the amount of \$136,765 for growing and installing the turf on all the fields and \$32,310 for annual mowing. He said no additional budget appropriation was being requested.

Mr. Lee asked when the fields would be available for use. Mr. Howard replied that they would be available in the spring of 2006.

Mr. Nixon asked for clarification on the contract being recommended. Mr. Howard stated he was recommending the turf contract and mowing until April 2006. Mr. Nixon asked whether Town employees had been asked to mow the fields. Mr. Howard replied that he had not talked to the Town, but the turf to be installed was a type of Bermuda grass, with some perennial rye mixes, that would require specialty mowers, which the Town did not have.

Mr. John Barrett, Parks & Recreation Director, stated that he had discussed the mowing with the Town and their estimate was higher than the one submitted by Premier Sports. He pointed out that the contract was for mowing the athletic turf, and an RFP would be going out for mowing the common grounds. He said that staff wanted the contractor to be responsible for the development and cutting of the turf in order to protect the County's investment.

Mr. Nixon moved, seconded by Mrs. Hansohn, to award the contract to Premier Sports in the amount of \$136,765.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

AWARD OF CONTRACT

Mr. Howard asked the Board to consider awarding a contract to Emery & Garrett Groundwater for a Comprehensive Countywide Groundwater Study. He recalled that an RFP had been issued in the fall to conduct this study, and four proposals had been received. He said an evaluation team consisting of himself, John Egertson, Pam Schiermeyer, Alan Culpeper, and Nathan Harbin reviewed the proposals and selected two vendors, ENSAT and Emery & Garrett Groundwater, for further interviews. He said the evaluation team unanimously recommended that the contract be awarded to Emery & Garrett Groundwater. He said the Public Works Committee made the same recommendation, but had concerns regarding a potential conflict of interest with Emery & Garrett Groundwater's working for private developers while it had a contract with the County. He said that language drafted by the County Attorney had been inserted in the contract to alleviate those concerns. The

language stated that Emery & Garrett Groundwater would not testify, serve as expert witness, or consult with any private entity that had a claim against Culpeper County.

[Mr. Chase asked at this point whether the prior motion regarding the turf contract included annual mowing. Mr. Coates informed him the Board would return to that question after Mr. Howard had concluded his presentation.]

Mr. Howard stated that the recommended language inserted in the contract had been approved and signed by Emery & Garrett Groundwater, and it was ready for the Board's consideration.

Mr. Walker asked how the language in the proposed contract would have dealt with the Centex situation for whom Emery & Garrett consulted. Mr. Howard replied that if there was a claim against the County, Emery & Garrett could not serve as a witness on any kind of case that was contested and they could not go to court on behalf of the private entity. Mr. Walker asked whether Emery & Garrett could be a witness on site plans, rezoning, etc. Mr. Howard replied that they could.

Mr. Rosenberger stated it was his understanding that the contractor would not be able to do work for any private individuals that had business before the Board. Mr. Howard pointed out that the contractor could work for private individuals, but could not be an expert witness. Mr. Rosenberger felt that would still be a conflict of interest. He asked whether anyone had discussed with the contractor the possibility of not working for anyone that may have business before the Board during the term of the contract. Mr. Howard stated that he had asked and the contractor refused. He said he had talked with Loudoun and Fauquier Counties that had used Emery & Garrett and learned they did not have such a clause in their contracts, but they felt Emery & Garrett was the best contractor to determine the availability of groundwater.

Mr. Coates asked for a time frame for completion of the study. Mr. Howard replied that the contract was for three to five years, but the length of time depended upon how much the Board wanted to fund. He said the work would be done on a task order basis in areas prioritized by the County and would be funded through the Master Water and Sewer Plan.

Mrs. Hansohn asked whether some areas had already been completed. Mr. Howard stated that Emery & Garrett had conducted a preliminary study in 1993 for the County's Master Water and Sewer Plan and they had done an in-depth study of the Mountain Run area and some work in the landfill area, at Coffeewood Correctional Center, Longley, and Clevenger's, as well as some work for private and government agencies in Culpeper, and all of this work could be expanded upon.

Mr. Nixon questioned the fiscal impact of \$50,000 to \$100,000 per year for three to five years, or a total of \$300,000 to \$500,000. Mr. Howard explained that the first part of the study was to take a broad look at the County, and the in-depth study would be narrowed down depending upon what was found and the priorities placed by the Board. He said should the contractor find there were only two or three small locations where groundwater appeared, the cost would be less.

Mr. Nixon asked whether the County could save money if the contractor did the work in two years as opposed to four years. Mr. Howard replied it would cost \$50,000 to \$100,000 per year depending upon how much groundwater the contractor found and how much the County wanted studied.

Mr. Walker asked whether the contract could be amended to include private work done by Emery & Garrett while under contract with the County. Mr. Howard replied that a part of the initial basis of the study was to gather all of the public data that was available and, while some private data may not be available, one of the advantages in using Emery & Garrett was their knowledge and experience with the area.

Mr. Rosenberger pointed out that a lot of the private work was already a matter of public record. Mr. Howard stated that was correct with regard to any information submitted to the Health Department or other agencies, but any preliminary work that had not been submitted belonged to Emery & Garrett.

Mr. Rosenberger asked what the closest bid was. Mr. Howard replied all of the bids were in the same range. Mr. Rosenberger pointed out Emery & Garrett had the advantage of pulling from work already done in the County.

Mr. Coates questioned whether an immediate decision should be made because he felt many questions were left unanswered.

Several members discussed Emery & Garrett's access to private studies, the relevance of such information due to their timeliness, and possible cost savings.

Mr. Nixon asked whether the Board could narrow the focus of the study and spend approximately \$75,000 per year. Mr. Howard explained that the approach taken with the RFP was the contractor would identify the areas with favorable groundwater zones, those areas would be prioritized and investigated as funds were available, and cost could be controlled.

Mrs. Hansohn stated that costs could be reduced if the process moved faster. She asked how long the first phase would take. Mr. Howard replied that the review of the entire County could be done in six months or less. Mrs. Hansohn asked whether the Committee

could narrow the focus once the initial phase was completed. Mr. Howard agreed that would be possible.

Mr. Coates stated the discussion had eased some of his concerns.

Mr. Nixon moved, seconded by Mr. Lee, to approve the contract as presented.

Mr. Rosenberger stated he would support the motion but he had grave reservations. Mr. Walker agreed and asked the County Attorney to comment on the conflict of interest issue.

Mr. Maddox stated he would reply to the conflict of interest issue, but first would comment on the costs. He said the Board would control the amounts by determining the projects to be studied. He stated that language was inserted in the contract to alleviate any conflict of interest should the County be in a litigation situation with a private developer and the contractor ended up on the opposing side.

Mr. Howard indicated Mr. Jamie Emery had informed him that if there was a particular project in which the Board was interested and did not want Emery & Garrett to work on, they would be willing to stand down, but he would not agree to do no private work in the County.

Mrs. Hansohn asked whether Mr. Emery would put that in the contract. Mr. Howard stated that he would.

Mr. Lee questioned whether the language in the contract might restrict trade in some manner. Mr. Maddox stated he did not have a direct answer to that question and it was not the intent to do so, but he would review it further. He said the intent was to reduce the possibility for conflict, while at the same time, to obtain the best expert in this field.

Mr. Rosenberger asked whether Mr. Nixon would be willing to amend the motion to reflect an amendment to the contract that Emery & Garrett would stand down on specific projects before the Board.

Mr. Nixon amended the motion to approve the contract subject to the language change. Mr. Lee agreed with the amendment.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

AWARD OF CONTRACT (continued)

Mr. Chase stated that the previous motion on the contract to install the turf at the Community Complex did not include the \$32,000 for mowing. He asked whether that would be done at a later time.

Mr. Howard stated that the contract for \$136,765 would carry the County through April 26, 2005, and his intent was to come back in April 2006 to award the contract for \$36,000 from

next year's budget.

Mr. Chase indicated he would discuss his differences of opinion on the special mowers when that contract was before the Board in 2006.

FORMER HALL TOWN

Mr. Howard asked the Board to consider a request to advertise for a public hearing to be held at its June 7, 2005 meeting in order to amend the FY 05 budget to include funds for the renovation of the former Town Hall. He explained that the renovation project in the former Town Hall building was not included in the FY 05 budget because the Town had not agreed at that time to lease the building to the County. He said that subsequently the Town and County had worked out an arrangement where the County would lease the building from the Town, but the renovation costs were not included. He indicated that the budget amendment would not exceed \$800,000, which included architectural/engineering fees and construction fees.

Mr. Walker moved, seconded by Mr. Lee, to accept the staff recommendation to advertise for a public hearing on the budget amendment for FY 05.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW BUSINESS

VIRGINIANS FOR HIGH SPEED RAIL

Mr. Bossio informed the Board that the Richmond Friends of High Speed Rail was petitioning the Virginia Delegation in the United States Senate and House of Representatives for continued support of funding of a Federal passenger rail infrastructure and was asking for the Board's endorsement.

Mr. Chase moved, seconded by Mr. Lee, to approve a resolution supporting the high-speed rail.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

ACCEPTANCE OF DONATION FROM CULPEPER RECREATION FOUNDATION, INC.

Mr. Howard asked the Board to consider accepting a donation from the Culpeper Recreation Foundation, Inc., in the amount of \$11,660 to install sod and an in-ground irrigation system on the infields of the four Little League Baseball fields at the Culpeper Community Complex. He said the Culpeper Recreation Foundation would be meeting tonight to consider awarding that donation to the County of Culpeper.

Mr. Chase moved, seconded by Mrs. Hansohn, to accept the donation from the Culpeper Recreation Foundation in the amount of \$11,660.

Mr. Coates asked whether the intent was to go forward by saying we would accept the donation if they saw fit to donate. Mr. Howard stated the request was contingent upon the Foundation's approval.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

COMMITTEE REPORTS

RULES COMMITTEE REPORT - APRIL 12, 2005

Mr. Walker reported that the Rules Committee met and had two items requiring Board action.

Mr. Walker moved, seconded by Mr. Lee, to approve a resolution to add Board members to Workers' Compensation coverage as recommended by the Rules Committee.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker moved, seconded Mr. Nixon, to approve a resolution to select an accident and health insurance plan for the Auxiliary Sheriff Program as presented by the Sheriff.

Mr. Chase asked whether coverage was only for injuries and illnesses that were job related.

Ms. Sheila Farmer-Dumas, Risk Manager, explained that coverage would have to be related to their on-job volunteer work. She said that an injury would have to be job specific, and sicknesses had to be tied to the volunteer's work on the scene.

Mrs. Hansohn asked for information on the Auxiliary Police Program.

Sheriff Hart stated the purpose of the auxiliary program was to have interested citizens become volunteer Deputy Sheriffs. He said there was a Citizen Law Enforcement Academy that trained citizens who meet the qualifications and criteria to become volunteer Deputy Sheriffs. He stated that it was important for the volunteers to have coverage for accidents and illnesses that were job related and the ordinance was necessary to continue the program.

Mrs. Hansohn asked whether the volunteers would be qualified to serve papers. Sheriff Hart: replied they would be qualified to do anything that any sworn law enforcement person could do. He said the volunteer would have to attend the Academy for 20-plus weeks, and one person had attended and was doing a good job.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment # 1 for details of meeting.

PUBLIC WORKS COMMITTEE REPORT - APRIL 12, 2005

Mrs. Hansohn reported that the Public Works Committee met but had no action items to bring forward to the full Board.

See Attachment #2 for details of meeting.

E-9-1-1 BOARD OF DIRECTORS COMMITTEE REPORT - APRIL 21, 2005

Mrs. Hansohn reported that the E-9-1-1 Board met but had no action items to bring forward to the full Board.

See Attachment #3 for details of meeting.

TOWN/COUNTY INTERACTION COMMITTEE REPORT - APRIL 27, 2005

Mr. Bossio reported that the Committee discussed the water and sewer extension outside the Town limits, and Mr. Egertson reviewed the status of transportation projects, specifically how to reconcile revenue sharing dollars for the Town's inner loop and the County's outer loop.

See Attachment #4 for details of meeting.

ECONOMIC DEVELOPMENT REPORT

Mr. Carl Sachs, Economic Development Director, presented the following report:

1. Efforts to explore technology zones in Culpeper in order to encourage economic development are continuing. The Planning Commission, in updating the Comprehensive Plan, proposes to establish four technology overlay districts in the County: (1) The Elkwood area, (2) near Brandy Station, (3) in/around the Germanna Tech Center, and (4) on the Wingspread property adjacent to Lovers' Lane. The variables in establishing the technology zones are location, types of benefits to be offered, and the eligibility criteria. The Economic Development Advisory Committee met with most of the property owners in the proposed technology zone areas and explained the program, the eligibility criteria and the types of benefits to be derived. In addition, dialogue has begun with private developers as well.
2. During the month of April, 52 responses were received to inquiries regarding the County's marketing program.
3. Mr. Robert Herrell, General Manager of Cintas, would be a guest for lunch today.

TOWN/COUNTY INTERACTION COMMITTEE REPORT (continued)

Mr. Walker commented that the Town/County Interaction Committee also discussed the potential of the Town and County working cooperatively to establish adult softball fields at the Mountain Run Lake Park, and the item would be forwarded to the Town's Parks and Recreation Commission.

AIRPORT ADVISORY COMMITTEE REPORT - APRIL 13, 2005

Mr. Bossio reported that the Airport Advisory Committee met, but there were no action items to bring forward to the full Board.

See Attachment #5 for details of meeting.

ADMINISTRATOR'S REPORT

a. Mr. Bossio requested permission to attend the 2005 Transforming Local Government Conference to be held in Sarasota, Florida, June 15-17, at a cost of \$560 plus hotel. He said the conference would have a range of speakers discussing various topics of interest, and he urged any interested Board member to attend also.

Mr. Chase moved, seconded by Mr. Coates, to approve Mr. Bossio's attendance, as well as that of another Board member, if interested.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

b. Mr. Bossio referenced a letter from Mr. Egertson regarding a Proposed Planning Commission/Board of Supervisors Work Session.

Mr. Egertson stated that May 18 was the date of the Planning Commission's public hearing on the Comprehensive Plan, and he suggested a date in early June for a work session.

After discussion, Mr. Coates suggested that Mr. Egertson coordinate a date with all parties and come back with a fixed date.

c. Mr. Bossio discussed dates for a Joint Meeting with the School Board.

After a lengthy discussion regarding the difficulties encountered in coordinating the schedules of the Board of Supervisors and the School Board, Mr. Coates instructed Mr. Bossio to pick a date 30 days in advance in anticipation it would be acceptable to both groups.

CLOSED SESSION

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider applicants for: (A) Reappointment and

appointment to the Airport Advisory Committee; and (B) reappointment and/or appointment to the Town/County Joint Board of Zoning Appeals and for recommendation to the Circuit Court Judge.

2. Under *Virginia Code* §2.2-3711(A)(1) to discuss with County staff and the County Attorney the performance of a specific County agency.
3. Under *Virginia Code* §2.2-3711(A)(3), to discuss with staff and the County Attorney the acquisition of specific parcels of land located in the Town of Culpeper where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
4. Under *Virginia Code* §2.2-3711(A)(7) to discuss with County staff and counsel specific litigation involving the County.
5. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), to discuss with staff and counsel the negotiation of the terms involving the expenditure of public funds and scope of a contract with a specific public entity where such discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.
6. Under *Virginia Code* §2.2-3711(A)(7) & (A)(30), to discuss with staff and counsel the negotiation of the terms and scope of a contract with a specific private contractor where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.
7. Under *Virginia Code* §2.2-3711(A)(3), to discuss with staff and the County Attorney the acquisition of a specific parcel of land located east of the Town of Culpeper where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay – Chase

Motion carried 6 to 1.

Mr. Coates recessed the meeting for a lunch break at 12:05 p.m.

The Board entered into closed session at 2:00 p.m.

The Board returned to open session at 5:30 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting

requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show Mr. Chase was not present for the Closed Session.

Ayes – Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

RE: APPOINTMENTS TO THE AIRPORT ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mr. Walker, to reappoint G. Earl Long and to appoint George W. (Bill) Flathers, II, to the Airport Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Mr. Chase

Motion carried 6 to 0.

RE: APPOINTMENT TO THE TOWN & COUNTY BOARD OF ZONING APPEALS

Mr. Nixon moved, seconded by Mr. Lee, to reappoint Francis Updike and to appoint William Adams to the Town & County Joint Board of Zoning Appeals and recommend their appointment to the Circuit Court Judge.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Mr. Chase

Motion carried 6 to 0.

Mr. Nixon stated he would amend his previous motion on appointments to the Board of Zoning Appeals because it had been brought to his attention there was only one vacancy.

Mr. Nixon moved, seconded by Mr. Lee, to reappoint Francis Updike to the Town & County Joint Board of Zoning Appeals and recommend his reappointment to the Circuit Court Judge.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Mr. Chase

Motion carried 6 to 0.

ADJOURNMENT

Mr. Lee moved, seconded by Mr. Nixon, to adjourn at 5:30 p.m.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Mr. Chase

Motion carried 6 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

Approved: June 7, 2005